

IC 33-5-45.5

Chapter 45.5. Warrick Superior Court

IC 33-5-45.5-1

Establishment

Sec. 1. (a) There is established a superior court No. 1 in Warrick County, Indiana. The court shall be named and styled "Warrick superior court No. 1".

(b) An additional court is established in Warrick County to be known as "Warrick superior court No. 2".

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by P.L.133-1992, SEC.40.

IC 33-5-45.5-1.5

"Court"

Sec. 1.5. As used in this chapter, "court" refers to a superior court established under section 1 of this chapter.

As added by P.L.133-1992, SEC.41.

IC 33-5-45.5-2

Seal

Sec. 2. Each court shall have a seal consisting of a circular disk containing the words "Warrick Superior Court No. 1" or "Warrick superior court No. 2" and of a design as each court may determine.

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by P.L.133-1992, SEC.42.

IC 33-5-45.5-3

Court of record

Sec. 3. Each court shall be a court of record. Each court's judgments, decrees, orders, and proceedings shall have the same force and effect and shall be enforced in the same manner as those of the circuit court.

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by P.L.133-1992, SEC.43.

IC 33-5-45.5-4

Jurisdiction

Sec. 4. Each court has the same jurisdiction as the Warrick circuit court.

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by Acts 1978, P.L.136, SEC.50; P.L.133-1992, SEC.44.

IC 33-5-45.5-5

Transfer of actions and proceedings

Sec. 5. (a) The judge of the circuit court may, with the consent of a court, transfer any action, cause, or proceeding filed and docketed in the circuit court to the court by transferring all original papers and instruments filed in the action, cause, or proceeding, without further transcript, to be redocketed and disposed of as if originally filed with the court.

(b) The judge of a court may, with the consent of the judge of the circuit court, transfer any action, cause, or proceeding filed and docketed in the court to the circuit court by transferring all original papers and instruments filed in the action, cause, or proceeding, without further transcript, to be redocketed and disposed of as if originally filed with the circuit court.

(c) The judge of a court may, with the consent of the judge of the other court, transfer any action, cause, or proceeding filed and docketed in the court to the other court to be redocketed and disposed of as if originally filed with the other court.

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by P.L.133-1992, SEC.45.

IC 33-5-45.5-6

Sitting of judges

Sec. 6. (a) The judge of the Warrick circuit court shall be, at the judge's discretion and with a court's permission, authorized to sit and to act as a judge of the court in all matters before the court, without limitation and without any further order in the same manner and stead and with all the rights and powers as if the judge were a duly elected judge of the court.

(b) The judge of the Warrick superior court No. 1 or Warrick superior court No. 2 shall be, at the judge's discretion and with the circuit court's permission, authorized to sit and to act as a judge of the circuit court in all matters pending before the circuit court, without limitation and without any further order in the same manner and stead and with all the rights and powers as if the judge were the duly elected judge of the circuit court.

(c) The judge of a court may, with the consent of the judge of the other court, sit as a judge of the other court in any manner as if elected as the judge of the other court.

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by P.L.133-1992, SEC.46.

IC 33-5-45.5-7

Powers of judges

Sec. 7. (a) The Warrick superior court No. 1 or Warrick superior court No. 2 may make rules for conducting the business of the court not repugnant to the laws of Indiana.

(b) The Warrick superior court No. 1 or the Warrick superior court No. 2 may issue warrants and issue and direct all processes which are necessary in exercising the jurisdiction conferred under this chapter. The Warrick superior court No. 1 or Warrick superior court No. 2 may make all proper judgments, sentences, decrees, and orders, issue all process, and do all acts necessary or proper to carry the jurisdiction conferred under this chapter into effect in conformity with the laws of Indiana.

(c) The Warrick superior court No. 1 or the Warrick superior court No. 2 has the same power as the circuit court or a judge of the circuit court in relation to the attendance of witnesses, the punishment of contempts, and the enforcing of a court's orders. The Warrick superior

court No. 1 or Warrick superior court No. 2 may administer oaths and give all necessary certificates for the authentication of the records and proceedings of the court.

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by Acts 1977, P.L.2, SEC.84; P.L.133-1992, SEC.47.

IC 33-5-45.5-8

Judges; term

Sec. 8. There shall be one (1) judge of the Warrick superior court No. 1 and one (1) judge of the Warrick superior court No. 2 who shall hold office for six (6) years, beginning on the first day of January after a judge's election, and until the judge's successor is elected and qualified.

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by Acts 1976, P.L.133, SEC.30; P.L.133-1992, SEC.48.

IC 33-5-45.5-9

Repealed

(Repealed by P.L.171-1984, SEC.80.)

IC 33-5-45.5-10

Judges; discipline

Sec. 10. The judge of the Warrick superior court No. 1 and the Warrick superior court No. 2 shall be subject to all disciplinary rules promulgated by the Indiana supreme court.

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by P.L.133-1992, SEC.49.

IC 33-5-45.5-11

Election

Sec. 11. The voters of Warrick County shall elect every six (6) years a judge for the Warrick superior court No. 1 and a judge for the Warrick superior court No. 2 at the general election.

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by Acts 1976, P.L.133, SEC.31; P.L.133-1992, SEC.50.

IC 33-5-45.5-12

Qualifications

Sec. 12. Qualifications. To be eligible to hold office as a superior court judge, a person shall:

- (a) be a resident of the county;
- (b) not have attained seventy (70) years of age at the time of taking office; and
- (c) be admitted to the practice of law in the state of Indiana.

(Formerly: Acts 1975, P.L.311, SEC.1.)

IC 33-5-45.5-13

Vacancy

Sec. 13. Vacancy. Any vacancy occurring in the office of the judge of the court shall be filled by appointment by the governor in the same

manner as are vacancies in the office of the judge of the circuit court.
(Formerly: Acts 1975, P.L.311, SEC.1.)

IC 33-5-45.5-14

Small claims and misdemeanor division

Sec. 14. Warrick superior court No. 1 has a standard small claims and misdemeanor division. Warrick superior court No. 2 has a standard small claims and misdemeanor division.
(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by P.L.133-1992, SEC.51.

IC 33-5-45.5-15

Repealed

(Repealed by P.L.167-1984, SEC.92.)

IC 33-5-45.5-16

Practice and procedure

Sec. 16. Practice and Procedure. All laws and rules adopted by the Indiana Supreme Court now in force or that may hereafter be enacted governing the circuit court in matters of pleading, practice, the issuing and service of process, the giving of notice, the appointing of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court shall be applicable to and govern the court.

In cases on the civil small claims docket, there shall be the following exceptions to the aforesaid laws and rules:

(a) Defendant shall be deemed to have complied with the statute and rule requiring the filing of an answer upon entering his appearance personally or by attorney. Such appearance shall be deemed a general denial and shall preserve all defenses and compulsory counterclaims which may then be presented at the trial of the cause.

(b) If at the trial of the cause the court determines that the complaint is so vague and ambiguous that the defendant was unable to determine the nature of plaintiff's claim or that the plaintiff is surprised by a defense or compulsory counterclaim raised by the defendant which the plaintiff could not reasonably have anticipated, the court shall grant a continuance.

(c) The trial shall be informal, with the sole objective of dispensing speedy justice between the parties according to the rules of substantive law, and shall not be bound by the statutory provisions or rules of practice, procedure, pleadings or evidence except such provisions relating to privileged communications and offers of compromise.
(Formerly: Acts 1975, P.L.311, SEC.1.)

IC 33-5-45.5-17

Trial by jury

Sec. 17. When a trial by jury is demanded a judge of the court may call a jury from the list provided and used by the circuit court, although the filing of a small claim shall be deemed a waiver of trial by jury by the plaintiff. The defendant may, not later than ten (10) days after being

served, make demand for a trial by jury by affidavit stating that there are questions of fact requiring a trial by jury, specifying them, and stating that such is intended in good faith. The court shall thereupon cause the claim to be transferred to the regular docket and the defendant shall pay the filing fee charged for filing civil actions in circuit court. Upon transfer such claim shall lose its status as a small claim and be subject to all ordinary rules and procedure.

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by P.L.133-1992, SEC.52.

IC 33-5-45.5-18

Satisfaction of judgment

Sec. 18. Satisfaction of Judgment. When the judgment or order in the small claims division of the court is against the defendant, he shall pay the same forthwith or at any time and upon such terms and conditions as the judge shall prescribe. If the judge orders that the judgment shall be paid in specified installments, he may stay the issuance of execution and other supplementary process during compliance with such order. The stay may be modified or vacated by the court.

(Formerly: Acts 1975, P.L.311, SEC.1.)

IC 33-5-45.5-19

Judgments; lien on real estate

Sec. 19. All judgments rendered in the small claims division of a court shall be properly recorded in the judgment docket book of the court. The judgments shall be liens on real estate in the same manner as judgments in a court of general jurisdiction become liens on real estate under IC 34-55-9.

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by Acts 1981, P.L.272, SEC.85; P.L.3-1990, SEC.113; P.L.133-1992, SEC.53; P.L.1-1998, SEC.178.

IC 33-5-45.5-20

Appeals

Sec. 20. An appeal of a judgment from a standard small claims and misdemeanor division of a court shall be taken in the same manner and under the same rules and statutes and with the same assessment of costs as cases appealed from the circuit courts of the state. The appeal in a small claims case must be commenced and perfected within thirty (30) days after the entry of judgment or the right to appeal is waived.

(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by P.L.133-1992, SEC.54.

IC 33-5-45.5-21

Repealed

(Repealed by P.L.171-1984, SEC.80.)

IC 33-5-45.5-22

Bailiff; court reporter; additional personnel

Sec. 22. Each court shall appoint a bailiff, court reporter, and the additional personnel necessary to carry out the business of the court. The duties, salaries, and terms of the bailiff and recorder shall be regulated in the same manner as provided for the circuit court.
(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by P.L.133-1992, SEC.55.

IC 33-5-45.5-23

Sessions; facilities

Sec. 23. Warrick superior court No.1 and Warrick superior court No. 2 shall hold sessions in the Warrick County courthouse in the city of Boonville, Indiana, or at any other place in the county of Warrick, Indiana, as the board of county commissioners may provide. The board of county commissioners of Warrick County shall provide and maintain a suitable and convenient courtroom for the holding of a court, together with suitable and convenient jury rooms and offices for the judges and official court reporters and other facilities as may be necessary. The board of county commissioners shall also provide all the necessary furniture and equipment for the rooms and offices of a court, and the county council shall appropriate sufficient funds for the rooms, facilities, furniture, and equipment.
(Formerly: Acts 1975, P.L.311, SEC.1.) As amended by P.L.133-1992, SEC.56.

IC 33-5-45.5-24

Repealed

(Repealed by P.L.171-1984, SEC.80.)

IC 33-5-45.5-25

Repealed

(Repealed by P.L.133-1992, SEC.63.)